

REMARKS

Applicants have amended claims 42, 57, 75. Applicants respectfully submit that no new matter is being added by these amendments.

References Not Considered By Examiner

A copy of the non-patent literature documents identified by Applicants that were submitted to the USPTO in an earlier application that are apparently no longer in the earlier case, is included herewith for the Examiner's convenience. Applicants respectfully request the Examiner to consider the non-patent literature documents identified by Applicants in their Information Disclosure Statement.

Rejection Under 35 U.S.C. § 102

The Examiner rejected claims 42, 57 and 75 under 35 U.S.C. § 102(e) as being anticipated by US Patent Application Pub No. 2003/0100998, filed by Brunner, et al. (“Brunner”). Without acquiescing that Brunner is in fact prior art and without waiving their right to establish an earlier date of invention, Applicants submit that the pending claims as presently presented are not anticipated by Brunner, and respectfully traverse.

Claims 42, 57, and 75 have been amended to clarify the fact that the video images that form the basis for the claimed identifications are only taken from a top view. This is not what is disclosed or described in Brunner. While it is true that Brunner Figure 15 discloses a top camera 1502, the animal habitat shown in Figures 15 and 16 also includes two side-view cameras 1605. See [0281]. As described in paragraph [0297], images from all of the cameras is used to creat the 2D modeling to identify the animal parts. Thus, at least the limitation that “the video images are taken only from a top view,” of independent claims 42, 57 and 75 is not found in Brunner. As

such, applicant respectfully requests that the foregoing amendment be entered, as the amendment renders claims 42, 57 and 75 in condition for allowance, which allowance is earnestly requested.

Claims 43- 45, 58, 59, 76 and 77 were also rejected as anticipated by Brunner. Since these claims are dependent upon claims 42, 57 and 75, for at least the reasons explained above these dependent claims are also allowable.

Claims 46 and 47 are also dependent from claim 42 and would not be anticipated by Brunner for at least the reasons explained above. Furthermore, claims 46 and 47 require “determining the location . . . in relation to a user-defined virtual zone.” While the apparatus shown in Figures 15 and 16 may be a user-defined zone, it is not a “user defined virtual zone.” As explained in the specification, the virtual zones are not physical. They are created using computer graphic tools by the user. The cage in Brunner is a physical zone, not a virtual zone. For this additional reason, claims 46 and 47 are now in condition for allowance, which is earnestly requested.

Claims 48- 52, 70-74, and 78-82 were also rejected as anticipated by Brunner. Since these claims are dependent upon claims 42, 57 and 75, for at least the reasons explained above these dependent claims are also allowable. It should be noted that paragraph [0296] makes its clear that the 2D model is generated from the images from all three cameras, see e.g. paragraph [0297].

Claims 53-56 and 60 - 69 were also rejected as anticipated by Brunner. Since these claims are dependent upon claims 42, 57 and 75, for at least the reasons explained above these dependent claims are also allowable.

Conclusion

Based on the foregoing amendments, Applicants respectfully submit that all pending claims in the present application are in condition for allowance and respectfully request the issuance of a Notice of Allowance. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Applicants' attorney at the number listed below.

Respectfully submitted,

Dated: 9/11/07

By:



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